IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6741 OF 2005

Rajnikant Pandey @ Anshuman Pandey ...Applicant
Vs.
The State of Maharashtra ...Respondent

Mr. Amit Desai with Laxman Kanal i/by Shri Hemant Sethi for the Applicant.
Mr. K.V. Saste, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 24, 2005.

P.C.:

1. Heard the learned Counsel appearing for the Applicant and the learned A.P.P. for the State. The Applicant is one of the accused in an offence registered under sections 143, 147, 148, 149, 323, 307, 302 of the Indian Penal Code.

2. The learned Counsel appearing for the Applicant submitted that the version of the witnesses is totally inconsistent as regards the role played by the Applicant in the offence. He pointed out that the two witnesses have sought to ascribe a role to the Applicant of assaulting the deceased on his head by a wooden log and the presence of the said witnesses is doubtful as the other witnesses whose statements have been recorded earlier have not stated about the presence of said two witnesses. He submitted that at highest, the incident can be termed as a fight between

young persons over a dispute about a small amount and by no stretch of imagination section 302 or section 307 of the Indian Penal Code can be attracted. He submitted that the Applicant is a student and has secured admission to M.B.A. He submitted that after spending six months in custody, after completion of investigation and filing of chargesheet, the Applicant is entitled to be enlarged on bail.

3. The learned A.P.P. has opposed the Application by pointing out the material on record.

4. I have considered the submissions. Post Mortem Notes indicate that the cause of death of the deceased is due to head injuries. Head injuries as shown in the Post Mortem Notes could have been caused by a wooden log. Column No.19 of the Post Mortem Notes shows serious injuries to the skull and damage to the brain.

5. Even assuming that there are some inconsistencies in the version of the witnesses, there is enough material on record to show the participation of the Applicant in the brutal assault on the deceased. Looking to the nature of the crime and available sufficient material to show presence of the

Applicant and his involvement in the offence, no case is made out for enlarging the Applicants on bail.

6. Considering the young age of the Applicant, the trial deserves to be expedited.

7. Hence, I pass the following order:

: O R D E R :

i) The Application is rejected.

ii) Trial shall be entrusted to the Fast Track Court.

iii) Trial shall be concluded within a period of six months from today.

JUDGE